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REMARKSParagraphs 1-6 of the Office Action

5 The disclosure is objected to because of informalities. Claim 1 and 10 are  
objected to because of informalities. Claims 1 to 10 are rejected under 35 USC §112,  
second paragraph, as being indefinite for failing to particularly point out and distinctly  
claim the subject matter which applicant regards as the invention.

10 The claims and the specification have been amended in such a manner believed to  
overcome the informalities. Withdrawal of the objection/rejection is respectfully  
requested by the applicant.

Paragraphs 7-9 of the Office Action

15 Claims 1 through 4 are rejected under 35 U.S.C. §103(a) as being unpatentable  
over U.S. Patent Number 1,647,818 to Semak in view of U.S. Patent Number 5,173,033  
to Adahan.

20 With respect to claims 1-4, the applicant disagrees with the Examiner's  
interpretation of the applicable law. While it is true that the applicant may also file  
design applications on the varying shapes of the housing, the fact that the housing  
includes a structural limitation to conceal or camouflage it is patentable under utility  
protection. The analogy would be a tree stand having a plurality of fake tree branches  
being attached to and extending outwardly from the tree stand to provide the appearance  
of a tree and to hide the hunter positioned in the tree stand. The fake tree branches are a  
structural limitation that is covered by utility protection. The housing in this case hides a  
compressor so that the compressor, like the hunter, appears to be a different object. As  
25 the fake tree branches have a function of hiding a hunter, the housing in this case has the  
function of hiding the compressor. The applicant therefore objects to the Examiner's  
conclusions with respect to claims 1, 2, 4 and requests that the Examiner clarifies or re-  
evaluates the conclusions presented.

30 Claim 1 has been amended to better clarify the shape of the housing. In  
particular, the housing shape has been limited to having a top wall being non-rectangular  
and to the peripheral wall including less than three vertically orientated and planar shaped

walls. This shape is found in the figures of the boulder and aquatic animal as originally submitted and no new matter has been added. The prior art includes examples of conventionally shaped housings which would not allow them to be camouflaged. Thus, unlike the applicant's device, a user of the prior art references, either singularly or in combination, would not want to leave them in view as they would be conspicuous adjacent to a pool or in a backyard. The applicant's structure is therefore not anticipated by the prior art and includes advantages over the structures of the prior art. Claim 1 and all claims depending therefrom are believed to be in condition for allowance.

Withdrawal of the rejection is respectfully requested by the applicant.

**Paragraphs 10 and 11 of the Office Action**

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 1,647,818 to Semak in view of U.S. Patent Number 5,173,033 to Adahan, as applied to claim 1 above, and further in view of U.S. Patent Number 5,535,808 to Idesis et al. Claims 6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over, as applied to claim 5 above, and further in view of U.S. Patent Number 6,094,773 to Krentz et al.

For the above reasons, claims 5, 6 and 8 are believed to be in condition for allowance.

Withdrawal of the rejection is respectfully requested by the applicant.

**Paragraph 12 of the Office Action**

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 1,647,818 to Semak in view of U.S. Patent Number 5,173,033 to Adahan, as applied to claim 1 above, and further in view of U.S. Patent Number 4,483,664 to Armbruster.

With respect to claim 7, the applicant has never stated that its screen was used to filter air. To the contrary, the screen allows air to pass into the housing, substantially unabated, but prevents insects or small animals into the housing. The inclusion of Armbruster, therefore, must be solely based on hindsight reconstruction. Also, since the applicant has included a mesh screen for the purpose of keeping animals and insects out

of the housing, there can be no motivation to add a window or screen to Semak because Semak already includes a door, with a locking latch, that is opened when the Semak device is used to allow air into the housing, but is closed when not being used. Adding a window or mesh screen to Semak would serve no purpose and consequently there can be  
5 no motivation to make the combination. The applicant's device has a structure that allows it to be left alone, and not put away in storage when not being used. This provides the advantage of leaving outside adjacent to a location where it is most often needed. This differs from the prior art citations which are intended to be mobile (see handles on each of the prior art references) and which do not have any concerns of animals or insects  
10 building homes within the respective housings. For the above reasons, claim 7 is believed to be in condition for allowance.

Withdrawal of the rejection is respectfully requested by the applicant.

**Paragraph 13 of the Office Action**

15 Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Semak in view of Adahan, as applied to claim 1 above, and further in view of U.S. Patent Number 2,285,215 to Lotz.

For the above reasons, claim 9 is believed to be in condition for allowance.

Withdrawal of the rejection is respectfully requested by the applicant.

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**Paragraph 14 of the Office Action**

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Semak in view of Adahan, Idesis et al., Krentz et al., Armbruster and Lotz, for the reasons applied previously.

25 Claim 10 has been cancelled. Withdrawal of the rejection is respectfully requested by the applicant.

**New Claims**

30 New claims 11-17 have been added to vary the scope of the claims. No new matter has been added. New claim 11 includes the limitation of specific shapes. Based

on the reasons above, claim 11 and claims 12-16, which depend from claim 11, are believed to be in condition for allowance.

New claim 17 includes the limitations of the planter. This includes a plant receiving space shown in Figure 4. This structure is not found in the prior art and is  
5 believed to be allowable over the prior art.

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**CONCLUSION**

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In light of the foregoing amendments and remarks, early consideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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